

SEAN LAMONT DUDLEY,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

THIS MATTER comes before the Court on a document captioned as a "Motion For Reconsideration Following Denial Of Request For Recusal Pursuant To Title 28 USC § 455," filed by Sean Lamont Dudley, formerly a petitioner in this Court, on the docket of his closed civil case.


By this Motion, Mr. Dudley seeks to have the undersigned reconsider the denial of his Motion for Recusal. In support of the instant Motion, Mr. Dudley cites the cases of United States v. Mastrapa, 509 F.3d 652 (4th Cir. 2007); United States v. Jordan, 509 F.3d 191 (4th Cir. 2007); United States v. Milam, 443 F.3d 382 (4th Cir. 2006); and United States v. Martinez, 277 F.3d 517 (4th Cir. 2002). As best as can be deciphered, Mr. Dudley has cited the foregoing cases in purported support of his assertion that the undersigned presided over a Rule 11 proceeding for him, which proceeding failed to produce evidence of an adequate factual basis to support his conviction; and that such error constitutes a "case or controversy" over which this Court must

preside. Therefore, Mr. Dudley believes the undersigned erred in dismissing his Motion for Recusal on the ground that he no longer has any case pending in this Court. Suffice it to say, however, Mr. Dudley's analysis simply is wrong.

Indeed, as the Court previously explained in its Order by which it dismissed his Motion for Recusal, Mr. Dudley's Motion to Vacate was filed in September 1999 and denied in March 2002; his appeal of that matter was rejected by the Fourth Circuit Court of Appeals in September 2002; all of his post-appeal requests for reconsideration have been denied by this Court; and all such denials have been affirmed on appeal. Contrary to Mr. Dudley's representation, therefore, even assuming that the cited cases establish that his conviction was not supported by an adequate factual basis, he still does not have a pending "habeas corpus proceeding" from which the undersigned can recuse himself. Accordingly, Mr. Dudley's Motion for Reconsideration also will be dismissed as moot.

SO ORDERED.

Signed: April 21, 2008



Richard L. Voorhees
United States District Judge

